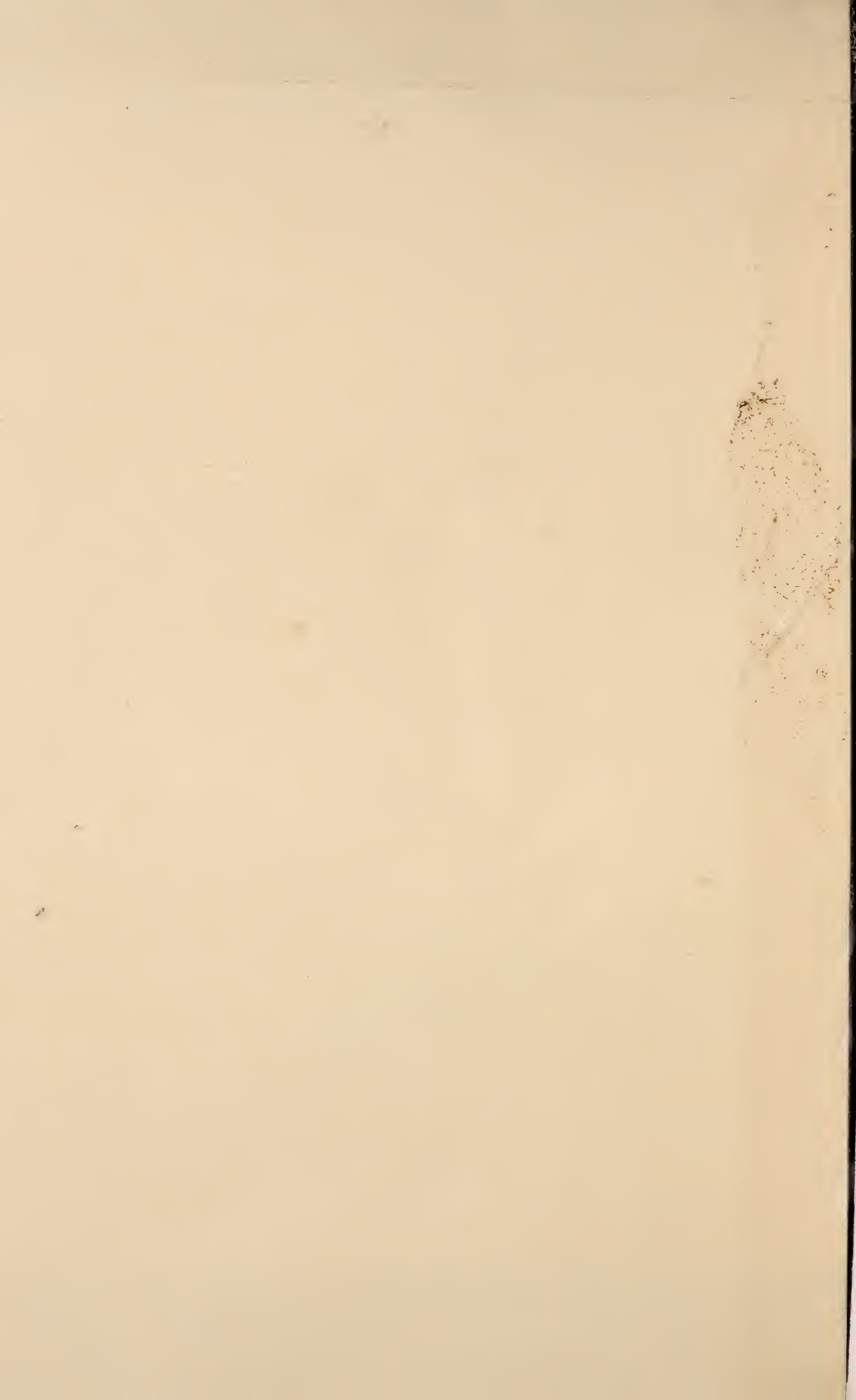


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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL MARKETING SERVICE**

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Service and Regulatory Announcements No. 162

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**REGULATIONS**  
**FOR THE ENFORCEMENT OF**  
**THE INSECTICIDE ACT OF 1910**

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**INSECTICIDE ACT OF 1910**

(36 STAT. 331; 7 U. S. C. 121-134)

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Issued October 1941  
(Supersedes S. R. A., I. F. No. 1)







United States Department of Agriculture

## AGRICULTURAL MARKETING SERVICE

## SERVICE AND REGULATORY ANNOUNCEMENTS NO. 162<sup>1</sup>

# REGULATIONS FOR THE ENFORCEMENT OF THE INSECTICIDE ACT OF 1910

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C.*

Pursuant to the authority of section 3 of the Insecticide Act of 1910 (36 Stat. 331; 7 U. S. C. 127) we hereby make and publish the following rules and regulations for the enforcement of the Insecticide Act of 1910, to become effective on October 1, 1941.

These regulations shall supersede those previously promulgated and published as part 180, chapter I, title 21, Code of Federal Regulations, which are hereby repealed.

(Title 7, Ch. I, P. 161 of the Code of Federal Regulations)

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## DEFINITIONS

**161.1 Meaning of words.**—Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

<sup>1</sup>These regulations were previously issued by the Food, Drug, and Insecticide Administration, as S. R. A., I. F. No. 1. In revised form, they are now issued by the Agricultural Marketing Service, to which Service the work of enforcing the act was transferred June 30, 1940.

**161.2 Terms defined.**—For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

- (a) "Act" means the Insecticide Act of 1910 (36 Stat. 331; 7 U. S. C. 121–134).
- (b) "Person" means an individual, corporation, partnership, or two or more persons having a joint or common interest.
- (c) "Chief of Service" means the Chief or Acting Chief of Agricultural Marketing Service, United States Department of Agriculture.
- (d) "Package" includes the carton, box, barrel, or other receptacle into which an insecticide or fungicide, paris green, or lead arsenate is placed for use, handling, removal, shipment, or conveyance; a single container of such article or articles or several containers packed together, including both the immediate container of the material and the box, carton, or other container (if any) in which it is enclosed or displayed.
- (e) "Unbroken package and original unbroken package" means the original package delivered by the shipper to the carrier at the initial point of interstate shipment, and also the unit package as ordinarily displayed on the shelves of the retail dealer or distributor.
- (f) "Label" includes any legend and descriptive matter or design printed, stenciled, stamped, seared, or impressed upon the article or its container or wrapper, and also includes any circular, pamphlet, or other descriptive matter packed with or accompanying the article at any time while such article is in interstate commerce, and such letters, circulars, pamphlets, and other descriptive matter to which reference is made, either on the label attached to the package or on the package itself, or any circular, pamphlet, or other descriptive matter accompanying the package in interstate commerce.
- (g) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.
- (h) "Fungi" means all nonchlorophyll-bearing plants of a lower order than mosses and liverworts (i. e., nonchlorophyll-bearing thallophytes), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria.
- (i) "Official inspector" means any employee of the Agricultural Marketing Service or other authorized inspector or agent of the Department of Agriculture or of the Treasury Department.

## ADMINISTRATION

**161.3 Authority.**—The Chief of Service is charged with the administration of the provisions of the act and the regulations in this part and is authorized to issue such instructions as he may deem proper and necessary.

## SAMPLES

**161.4 Collection of samples.**—Samples shall be collected only by official inspectors.

**161.5 Investigations.**—Official inspectors shall make investigations to locate shipments of products which may be in violation of the law; visit manufacturers and distributors and, with their consent, obtain information concerning insecticides and fungicides marketed by such parties, and records of interstate shipments; consult shipping records, such as those kept by railroad, express, and trucking companies, and visit wholesale and retail establishments and other places to locate interstate shipments of insecticides and fungicides.

**161.6 Methods of examining samples.**—The methods of examining samples shall be those adopted and published by the Association of Official Agricultural Chemists (where applicable), and such other methods as may be necessary to determine whether or not the product and its labeling are in compliance with the law. These methods may include chemical, microscopical, physical, and bacteriological methods, and tests in orchard, field, garden, and greenhouse, on animals, in or about premises, in cages, in the laboratory, and in such other places as may be necessary.

**161.7 Hearings.**—If, from the examination or analysis, a sample appears to be adulterated or misbranded within the meaning of the act, notice in writing, setting forth the charges, shall be sent to the person who made, or offered to



make, the shipment, and to any other interested person, giving him an opportunity to offer such explanation as he may desire, for consideration by the Department. Should any such person file, in addition to his reply in writing, a written request for an oral hearing, giving his reasons therefor, due consideration will be given to the question whether any useful purpose would be served by such a hearing.

No hearing will be granted prior to seizure action pursuant to section 10 of the act.

### VIOLATIONS

**161.8 Report of violations.**—Requests for institution of prosecutions under sections 1 and 2 of the act, and, where practicable, for proceedings under section 10 of the act, will be made by the Secretary of Agriculture to the Attorney General. Where immediate action is necessary to secure the seizure of articles under section 10 and delay would result by reporting the facts to the Attorney General, the Secretary of Agriculture will communicate directly with the United States attorneys. In such cases, however, the Secretary of Agriculture will promptly furnish the Attorney General with a copy of the communication to the United States Attorney.

**161.9 Publication.**—Publication shall be made of notices of judgment of the courts in cases arising under both the criminal sections (sections 1 and 2) and the seizure section (section 10) of the act in the form of circulars, notices, or bulletins as the Chief of Service may direct.

### ABSTRACTION OF VALUABLE CONSTITUENTS

**161.10 When wholly abstracted.**—A valuable constituent will be considered as wholly abstracted from an article whenever the designation of the article imports its presence therein and the constituent has been wholly omitted therefrom, in the preparation of the article, or has been wholly removed from the completed article.

**161.11 When partly abstracted.**—A valuable constituent will be considered as partly abstracted from an article whenever the designation of the article imports its presence therein and the constituent is not present in the usual or customary amount or in the amount indicated on the label.

### LABELING

**161.12 Statements on label.**—Statements on labels must conform to the following requirements:

(a) *To be in English language.*—All words, statements, and other information required by the act to appear on the label shall be in the English language.

(b) *Ingredient statement.*—The ingredient statement, where required on the labels of insecticides and fungicides, shall: (1) be placed on that part of the label of each individual package or container (and also on the carton or outer container, if there is one) which is presented or displayed under customary conditions of purchase; (2) run parallel with other printed or reading matter on the label; (3) not be materially less conspicuous than any other word, statement, or information on the label; (4) be on a clear, contrasting background and not obscured by designs or vignettes, or crowded with other written, printed, or graphic matter; (5) give the specific names by which the ingredient is commonly known, other than a trade name or collective name, or, if it does not have such a name, its correct chemical name; (6) give equal prominence to the names of the ingredients where more than one is present; (7) give single values for the percentages of the ingredients and shall not use a sliding scale form of statement; and (8) show the term "Inert Ingredient" in type and position equally as conspicuous as the term "Active Ingredient" when both these terms are used.

(c) *Phenol coefficient statement.*—If a label of a disinfectant bears a phenol coefficient statement it shall not be in a sliding scale form.

(d) *False and misleading statements.*—The use of any false or misleading statement on any part of the label or labeling, given as the statement or opinion of an expert or other person or based on such statement or opinion, shall not be justified, nor may such statement be justified by any descriptive matter explaining the use of the false or misleading statement.

Any statement on the label or labeling, either directly or indirectly implying that the product is recommended or endorsed by any agency of the Federal Government, is considered misleading.



**161.13 When labels are required.**—Whenever, by the terms of the act, information is required to be on the label of an insecticide or fungicide, a label must be placed on the article or its container in order that the statement can be made. The omission of a label will not excuse the absence of the required statement.

**161.14 Name and address of manufacturer.**—(a) *True name and place.* The name of the manufacturer or producer or the place of manufacture need not be given upon the label, but, if given, it must be the true name and true place. The words "Packed for \* \* \*," "Distributed by \* \* \*," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer.

(b) *When more than one place of manufacture.*—When a person actually manufactures or produces an insecticide, fungicide, paris green, or lead arsenate in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when, under the peculiar circumstances of the particular case, the mention of any such place to the exclusion of the others may mislead the public.

(c) *Geographical name.*—The use of a geographical name on the label of an insecticide or fungicide will not be considered misbranding when, by reason of long usage, it has come to represent a generic term and indicates a style, type, or brand, or a specific substance rather than the place of manufacture, but in all such cases the place where any such article is manufactured or produced shall be stated on the principal label.

## GUARANTY

**161.15 Guaranty against adulteration and misbranding.**—The following provisions apply to the furnishing and use of the guaranty:

(a) *To dealer.*—Any wholesaler, manufacturer, jobber, or other person residing in the United States may furnish to any person to whom he sells any insecticide, paris green, lead arsenate, or fungicide, a guaranty that such article is not adulterated or misbranded within the meaning of the act.

(b) *Essential wording.*—Each guaranty to afford protection shall be signed by, and shall contain the name and address of, the wholesaler, manufacturer, jobber, or other person residing in the United States who sold the article, and it shall be stated in the guaranty that such article or articles are not adulterated or misbranded within the meaning of the act. The guaranty shall not appear on the labels or packages.

(c) *Holder not to be prosecuted.*—No dealer in insecticides, paris greens, lead arsenates, or fungicides will be liable to prosecution if he can establish that the articles were sold under a guaranty given in compliance with the regulations in this part.

## IMPORTS

**161.16 Declaration.**—All invoices of insecticides, paris greens, lead arsenates, and fungicides imported into the United States shall be accompanied by a declaration of the shipper, made before a United States consular officer, as follows:

I, \_\_\_\_\_, the undersigned, do hereby declare that I am the  
(Name in full)  
\_\_\_\_\_ of the merchandise herein mentioned, which consists  
(Manufacturer or shipper)  
of insecticides, paris greens, lead arsenates, or fungicides. None of this merchandise is falsely labeled in any respect, or dangerous to the health of the people of the United States, or forbidden entry into, or sale in, or restricted in sale in, the country in which it is made or from which it is exported. The merchandise was manufactured in \_\_\_\_\_  
(Country)  
by \_\_\_\_\_, and is exported from \_\_\_\_\_ consigned to  
(Name of manufacturer) (City)  
\_\_\_\_\_  
(City)  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
(Signature)

**161.17 Notice of shipments for importation.**—The collector of customs shall notify the Agricultural Marketing Service of the United States Department of Agriculture of all shipments of insecticides and fungicides being imported into the United States and shall detain all such shipments until notified by the Agricultural Marketing Service that the shipment may be released.



**161.18 Drawing of samples of import shipments.**—The collector of customs shall, on request of the Agricultural Marketing Service of the United States Department of Agriculture, draw samples of import shipments of insecticides and fungicides and deliver them together with a copy of the labeling and all accompanying circulars and advertising matter pertaining to the goods to the designated laboratory of the Agricultural Marketing Service.

**161.19 Bond for release of imports pending examination.**—Consignments of insecticides, paris greens, lead arsenates, or fungicides, offered for importation into the United States may be detained pending examination to determine whether they are adulterated or misbranded, or they may be released to the consignee prior to such examination upon the execution on the appropriate form of a customs single-entry or term bond in such amount as is prescribed for such bonds in the customs regulations in force on the date of entry and containing a condition for the redelivery of the merchandise or any part thereof upon demand of the collector of customs at any time. The bond shall be filed with the collector of customs, who, in case of default, shall take appropriate action to effect the collection of liquidated damages as provided for in the bond.

**161.20 Procedure after examination.**—(a) If, upon examination or analysis of a sample from an import consignment of insecticides, paris greens, lead arsenates, or fungicides, (1) it is found not to be adulterated or misbranded, the Agricultural Marketing Service shall notify the collector of customs that the shipment may be released; (2) but if the consignment is found to be adulterated or misbranded the owner or consignee shall be promptly notified by the Agricultural Marketing Service of the nature of the charge in order that he may be given an opportunity to show cause why the shipment should not be destroyed or refused entry.

(b) A reasonable time will be allowed the owner or consignee to submit evidence for consideration in connection with charges of adulteration or misbranding.

(c) If, after consideration of all of the evidence in the case, it still appears that the consignment may not be lawfully admitted into the United States, the Agricultural Marketing Service shall notify the collector of customs that the product is adulterated or misbranded under the act and the Secretary of the Treasury (1) shall refuse delivery to the consignee and, under such regulations as the Secretary of the Treasury may prescribe, shall cause the destruction of any goods not exported by the consignee within three months from the date of notice of such refusal of entry, or (2) if the shipment has been released to the consignee on bond, action will be taken to enforce the terms of the bond.

Done at Washington, D. C., this 23d day of September 1941.

Witness my hand and seal of the Treasury Department.



*Herbert E. Gaston*

*Acting Secretary of the Treasury.*

Witness my hand and seal of the Department of Agriculture.



*Grover B. Hill*

*Acting Secretary of Agriculture.*

Witness my hand and seal of the Department of Commerce.



*Wayne Taylor*

*Acting Secretary of Commerce.*



## THE INSECTICIDE ACT OF 1910

An Act For preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes. (36 Stat. 331 ; 7 U. S. C. 121-134.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any insecticide, paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of insecticides, paris greens, lead arsenates, and fungicides manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the director of the experiment station of any State, Territory, or the District of Columbia (acting under the direction of the Secretary of Agriculture), or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

SEC. 4. That the examination of specimens of insecticides, paris greens, lead arsenates, and fungicides shall be made in the Department of Agriculture, by such existing bureau or bureaus as may be directed by the Secretary, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the



examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any director of experiment station or agent of any State, Territory, or the District of Columbia, under authority of the Secretary of Agriculture, shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. That the term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" as used in this act shall include the product sold in commerce as paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid ( $\text{H}_3\text{AsO}_4$ ) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

SEC. 7. That for the purpose of this act an article shall be deemed to be adulterated—

In the case of paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide ( $\text{As}_2\text{O}_5$ ); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide ( $\text{As}_2\text{O}_5$ ); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; *Provided, however,* That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides, other than paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

SEC. 8. That the term "misbranded" as used herein shall apply to all insecticides, paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates, or fungicides which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

That for the purpose of this act an article shall be deemed to be misbranded—

In the case of insecticides, paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.



In the case of insecticides (other than paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 10. That any insecticide, paris green, lead arsenate, or fungicide that is adulterated or misbranded within the meaning of this act and is being transported from one State, Territory, or District, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation.

And if such article is condemned as being adulterated or misbranded, within the meaning of this act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act or the laws of any State, Territory, or District, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of insecticides, paris greens, lead arsenates, and fungicides which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any insecticide, or paris green, or lead arsenate, or fungicide offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal



bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bonds: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

SEC. 12. That the term "Territory," as used in this act, shall include the District of Alaska and the insular possessions of the United States. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

SEC. 13. That this act shall be known and referred to as "The Insecticide Act of 1910."

SEC. 14. That this act shall be in force and effect from and after the first day of January, nineteen hundred and eleven.

Approved, April 26, 1910.

